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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,421	03/13/2001	Anthony Angelo Agoni	ALAW.001A	3477
20995 7590 04/08/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER ALTSCHUL, AMBER L				
ART UNIT		PAPER NUMBER		
3626				
NOTIFICATION DATE		DELIVERY MODE		
04/08/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

09/808,421

Applicant(s)

AGONI ET AL.

Examiner

AMBER L. ALTSCHUL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 74 and 75 is/are pending in the application.
- 4a) Of the above claim(s) 7-73 and 76-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 74 and 75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
Paper No(s)/Mail Date: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 18, 2007 has been entered.

Response to Amendment

2. This communication is in response to the amendment filed on October 18, 2007. Claims 1-6 and 74-75 remain pending. Claims 1-4, 6 and 74 and 75 have been amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 and 74-75 are rejected under 35 U.S.C. 102(b) as being unpatentable over United States Patent Application Publication Number US 2002/0069093 Stanfield, et al., hereinafter Stanfield.

5. (Currently Amended) A method of facilitating services, said method comprising:
generating listing information identifying a service provider, wherein the service provider is a human, (page 1, paragraph 11);

making said listing information available to potential clients of said service provider, (page 3, paragraph 41);

receiving an agreement from said service provider to use a first computer-based service-enhancing system to provide services to each client obtained as a result of said making said listing information available, said agreement from said service provider including data representing a promise by said service provider to use said first computer-based service-enhancing system to provide said services, (page 1, paragraph 12 and page 2, paragraphs 14-16 and 18);

receiving an agreement from at least one client to use said service provider to provide services, said agreement from said at least one client including data representing a promise by said at least one client to use said service provider to provide services, (page 2, paragraph 14);_and

monitoring by the computer-based service-enhancing system a frequency of service-related communications between said service provider and said at least one client during the time that services are provided to said at least one client, (page 2, paragraph 15).

6. (Currently Amended) As per claim 2, Stanfield teaches the method of claim 1 as described above. Stanfield further teaches generating second listing information identifying a second service provider, wherein the second service provider is a human,

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(page 3, para. 39);

receiving an agreement from said second service provider to use a second computer-based service-enhancing system having at least one feature absent from said first service-enhancing system, said agreement from said second service provider including data representing a promise by said second service provider to use said second computer-based service-enhancing system, (page 3, paragraphs 39-40);

making said second listing information available to at least some of said potential clients, (page 4, paragraphs 42-45); and

enhancing the availability to said at least some potential clients of said second listing information, (page 4, paragraph 46).

7. (Currently Amended) Regarding claim 3, Stanfield teaches a method of facilitating services, said method comprising:

generating listing information identifying a service provider, wherein the service provider is a human, (page 3, para. 39);

making said listing information available to potential clients of said service provider, (page 4, paragraphs 42-45); and

receiving an agreement from said service provider to communicate with clients in accordance with a predetermined communication frequency while providing services said agreement from said service provider including data representing a promise by said service provider to communicate with said clients in accordance with said predetermined communication frequency, (page 1, paragraph 12, and page 2, paragraphs 14-16 and 18);

receiving an agreement from at least one client to use said service provider to provide services, (page 2, paragraph 14); and

monitoring by a computer software-based process a frequency of service-related communications between said service provider and said at least one client while said service provider provides services for said at least one client, (page 2, paragraph 15).

8. (Currently Amended) Regarding claim 4, Stanfield teaches the method of claim 3 as described above. Stanfield further teaches wherein said receiving an agreement from said service provider includes receiving data representing a promise by said service provider an agreement to use a computer-based system to communicate with clients, (page 3, para. 39).

9. (Previously Presented) Regarding claim 5, Stanfield teaches the method of claim 3 as described above. Stanfield further teaches further comprising: receiving a payment from said service provider for using said computer software-based process, (page 7, para. 88).

10. (Currently Amended) Regarding claim 6, Stanfield teaches the method of claims 3 and 5 as described above. Stanfield further teaches Receiving a second agreement from said service provider not to pass on to any client any cost of using said computer software-based process, said second agreement including data representing a promise by said service provider not to pass on to any client any of said cost, (page 4, para. 52),

11. (Currently Amended) Regarding claim 74, Stanfield teaches a system for facilitating services, said system comprising:
means for representing with computer-readable data characteristics of and

identification of a service provider, wherein the service provider is a human, (page 1, paragraph 11);

means for allowing potential clients to search said characteristics over a computer network and receive a representation of data identifying said service provider, (page 3, para. 39 and page 7, para. 88);

means for receiving agreement from said service provider to use a computer-based communication-enhancing system to provide services to each client obtained via said means for allowing potential clients to search said characteristics, said agreement from said service provider including data representing a promise by said service provider to use said computer-based communication-enhancing system to provide said services, (page 1, paragraph 12 and page 2, paragraphs 14-16 and 18);

means for receiving an agreement from at least one client to use said service provider to provide services, said agreement from said at least one client including data representing a promise to use said service provider to provide said services; (page 1, paragraph 12 and page 2, paragraphs 14-16 and 18); and

means for monitoring by the computer-based communication-enhancing system a frequency of service-related communications between said service provider and said at least one client during the time that services are provided to said at least one client, (page 2, paragraph 15).

12. (Currently Amended) Regarding claim 75, Stanfield teaches A system for facilitating services, said system comprising:

means for representing with computer-readable data characteristics of and

identification of a service provider, wherein the service provider is a human, (page 1, paragraph 11);

means for allowing potential clients to search said characteristics over a computer network and receive a representation of data identifying said service provider, (page 3, para. 39 and page 7, para. 88);

means for receiving a representation from said service provider that said service provider meets certain minimum experience requirements, (page 3, para. 39);

means for receiving an agreement from at least one of said potential clients to use said service provider to provide services, said agreement from at least one of said potential clients including data representing a promise by at least one of said potential clients to use said service provider to provide said services, ; (page 1, paragraph 12 and page 2, paragraphs 14-16 and 18);

means for receiving an agreement from said service provider to communicate with said at least one of said potential clients in accordance with a predetermined communication frequency while providing services, said agreement from said service provider including data representing a promise by said service provider to communicate with said at least one of said potential clients in accordance with said predetermined communication frequency, ; (page 1, paragraph 12 and page 2, paragraphs 14-16 and 18); and

means for monitoring a frequency of service-related communications between said service provider and said at least one of said potential clients, (page 2, paragraph 15).

Response to Arguments

13. Applicant's arguments filed October 18, 2007 have been fully considered and are not persuasive. Applicant's arguments with respect to claims 1-6 and 74-75 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches Computerized system and method for assisting potential clients to identify and appropriate provider for professional services (US 6470338 B1), System and method for matching professional service providers with consumers (US 20020038233 A1), System and method for monitoring information flow and performing data collection (US 5964839 A), Online service development tool with fee setting capabilities (US 5819092 A).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is 571-270-1362. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L. A./
Examiner, Art Unit 3626
March 23, 2008

/Robert Morgan/
Primary Examiner, Art Unit 3626